

In the Senate of the United States,

September 21, 2006.

Resolved, That the bill from the House of Representatives (H.R. 3127) entitled “An Act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the*

3 *“Darfur Peace and Accountability Act of 2006”*.

1 (b) *TABLE OF CONTENTS.*—*The table of contents of this*

2 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

Sec. 4. Sense of Congress.

Sec. 5. Sanctions in support of peace in Darfur.

Sec. 6. Additional authorities to deter and suppress genocide in Darfur.

Sec. 7. Continuation of restrictions.

Sec. 8. Assistance efforts in Sudan.

Sec. 9. Reporting requirements.

3 **SEC. 2. DEFINITIONS.**

4 *In this Act:*

5 (1) *AMIS.*—*The term “AMIS” means the Afri-*
6 *can Union Mission in Sudan.*

7 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
8 *TEES.*—*The term “appropriate congressional commit-*
9 *tees” means the Committee on Foreign Relations of*
10 *the Senate and the Committee on International Rela-*
11 *tions of the House of Representatives.*

12 (3) *COMPREHENSIVE PEACE AGREEMENT FOR*
13 *SUDAN.*—*The term “Comprehensive Peace Agreement*
14 *for Sudan” means the peace agreement signed by the*
15 *Government of Sudan and the SPLM/A in Nairobi,*
16 *Kenya, on January 9, 2005.*

17 (4) *DARFUR PEACE AGREEMENT.*—*The term*
18 *“Darfur Peace Agreement” means the peace agree-*
19 *ment signed by the Government of Sudan and by*
20 *Minni Minnawi, leader of the Sudan Liberation*

1 *Movement/Army Faction, in Abuja, Nigeria, on May*
 2 *5, 2006.*

3 (5) *GOVERNMENT OF SUDAN.—The term “Gov-*
 4 *ernment of Sudan”—*

5 *(A) means—*

6 *(i) the government in Khartoum,*
 7 *Sudan, which is led by the National Con-*
 8 *gress Party (formerly known as the Na-*
 9 *tional Islamic Front); or*

10 *(ii) any successor government formed*
 11 *on or after the date of the enactment of this*
 12 *Act (including the coalition National Unity*
 13 *Government agreed upon in the Comprehen-*
 14 *sive Peace Agreement for Sudan); and*

15 *(B) does not include the regional govern-*
 16 *ment of Southern Sudan.*

17 (6) *OFFICIALS OF THE GOVERNMENT OF*
 18 *SUDAN.—The term “official of the Government of*
 19 *Sudan” does not include any individual—*

20 *(A) who was not a member of such govern-*
 21 *ment before July 1, 2005; or*

22 *(B) who is a member of the regional govern-*
 23 *ment of Southern Sudan.*

24 (7) *SPLM/A.—The term “SPLM/A” means the*
 25 *Sudan People’s Liberation Movement/Army.*

1 **SEC. 3. FINDINGS.**

2 *Congress makes the following findings:*

3 (1) *On July 23, 2004, Congress declared, “the*
4 *atrocities unfolding in Darfur, Sudan, are genocide”.*

5 (2) *On September 9, 2004, Secretary of State*
6 *Colin L. Powell stated before the Committee on For-*
7 *oreign Relations of the Senate, “genocide has occurred*
8 *and may still be occurring in Darfur”, and “the Gov-*
9 *ernment of Sudan and the Janjaweed bear responsi-*
10 *bility”.*

11 (3) *On September 21, 2004, in an address before*
12 *the United Nations General Assembly, President*
13 *George W. Bush affirmed the Secretary of State’s*
14 *finding and stated, “[a]t this hour, the world is wit-*
15 *nessing terrible suffering and horrible crimes in the*
16 *Darfur region of Sudan, crimes my government has*
17 *concluded are genocide”.*

18 (4) *On July 30, 2004, the United Nations Secu-*
19 *rity Council passed Security Council Resolution 1556*
20 *(2004), calling upon the Government of Sudan to dis-*
21 *arm the Janjaweed militias and to apprehend and*
22 *bring to justice Janjaweed leaders and their associates*
23 *who have incited and carried out violations of human*
24 *rights and international humanitarian law, and es-*
25 *tablishing a ban on the sale or supply of arms and*
26 *related materiel of all types, including the provision*

1 *of related technical training or assistance, to all non-*
2 *governmental entities and individuals, including the*
3 *Janjaweed.*

4 (5) *On September 18, 2004, the United Nations*
5 *Security Council passed Security Council Resolution*
6 *1564 (2004), determining that the Government of*
7 *Sudan had failed to meet its obligations under Secu-*
8 *rity Council Resolution 1556 (2004), calling for a*
9 *military flight ban in and over the Darfur region, de-*
10 *manding the names of Janjaweed militiamen dis-*
11 *armed and arrested for verification, establishing an*
12 *International Commission of Inquiry on Darfur to*
13 *investigate violations of international humanitarian*
14 *and human rights laws, and threatening sanctions*
15 *should the Government of Sudan fail to fully comply*
16 *with Security Council Resolutions 1556 (2004) and*
17 *1564 (2004), including such actions as to affect Su-*
18 *dan's petroleum sector or individual members of the*
19 *Government of Sudan.*

20 (6) *The Report of the International Commission*
21 *of Inquiry on Darfur, submitted to the United Na-*
22 *tions Secretary-General on January 25, 2005, estab-*
23 *lished that the "Government of the Sudan and the*
24 *Janjaweed are responsible for serious violations of*
25 *international human rights and humanitarian law*

1 *amounting to crimes under international law,” that*
2 *“these acts were conducted on a widespread and sys-*
3 *tematic basis, and therefore may amount to crimes*
4 *against humanity,” and that officials of the Govern-*
5 *ment of Sudan and other individuals may have acted*
6 *with “genocidal intent”.*

7 *(7) On March 24, 2005, the United Nations Se-*
8 *curity Council passed Security Council Resolution*
9 *1590 (2005), establishing the United Nations Mission*
10 *in Sudan (referred to in this section as the*
11 *“UNMIS”), consisting of up to 10,000 military per-*
12 *sonnel and 715 civilian police tasked with supporting*
13 *the implementation of the Comprehensive Peace*
14 *Agreement for Sudan and to “closely and continu-*
15 *ously liaise and coordinate at all levels with the Afri-*
16 *can Union Mission in Sudan (AMIS)”*, which had
17 *been established by the African Union on May 24,*
18 *2004, to monitor the implementation of the*
19 *N’Djamena Humanitarian Ceasefire Agreement,*
20 *signed on April 8, 2004, “with a view towards expe-*
21 *ditiously reinforcing the effort to foster peace in*
22 *Darfur”.*

23 *(8) On March 29, 2005, the United Nations Se-*
24 *curity Council passed Security Council Resolution*
25 *1591 (2005), extending the military embargo estab-*

lished by Security Council Resolution 1556 (2004) to all the parties to the N'Djamena Ceasefire Agreement of April 8, 2004, and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a panel of experts to assist in monitoring compliance with Security Council Resolutions 1556 (2004) and 1591 (2005).

(9) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593 (2005), referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(10) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the SPLM/A for the past 21 years, was killed in a tragic helicopter crash in Southern

1 *Sudan, sparking riots in Khartoum and challenging*
2 *the commitment of all Sudanese to the Comprehensive*
3 *Peace Agreement for Sudan.*

4 *(11) On January 12, 2006, the African Union*
5 *Peace and Security Council issued a communique en-*
6 *dorsing, in principle, a transition from AMIS to a*
7 *United Nations peacekeeping operation and requested*
8 *the Chairperson of the Council to initiate consulta-*
9 *tions with the United Nations and other stakeholders*
10 *toward this end.*

11 *(12) On February 3, 2006, the United Nations*
12 *Security Council issued a Presidential Statement au-*
13 *thorizing the initiation of contingency planning for a*
14 *transition from AMIS to a United Nations peace-*
15 *keeping operation.*

16 *(13) On March 10, 2006, the African Union*
17 *Peace and Security Council extended the mandate of*
18 *AMIS, which had reached a force size of 7,000, to*
19 *September 30, 2006, while simultaneously endorsing*
20 *the transition of AMIS to a United Nations peace-*
21 *keeping operation and setting April 30, 2006 as the*
22 *deadline for reaching an agreement to resolve the cri-*
23 *sis in Darfur.*

1 (14) *On March 24, 2006, the United Nations Se-*
 2 *curity Council passed Security Council Resolution*
 3 *1663 (2006), which—*

4 *(A) welcomes the African Peace and Secu-*
 5 *rity Council’s March 10, 2006 communique; and*

6 *(B) requests that the United Nations Sec-*
 7 *retary-General, jointly with the African Union*
 8 *and in consultation with the parties to the Abuja*
 9 *Peace Talks, expedite planning for the transition*
 10 *of AMIS to a United Nations peacekeeping oper-*
 11 *ation.*

12 (15) *On March 29, 2006, during a speech at*
 13 *Freedom House, President Bush called for a transi-*
 14 *tion to a United Nations peacekeeping operation and*
 15 *“additional forces with a NATO overlay . . . to pro-*
 16 *vide logistical and command-and-control and airlift*
 17 *capacity, but also to send a clear signal to parties in-*
 18 *volved that the west is determined to help effect a set-*
 19 *tlement.”.*

20 (16) *On April 25, 2006, the United Nations Se-*
 21 *curity Council passed Security Council Resolution*
 22 *1672 (2006), unanimously imposing targeted finan-*
 23 *cial sanctions and travel restrictions on 4 individuals*
 24 *who had been identified as those who, among other*
 25 *acts, “impede the peace process, constitute a threat to*

1 *stability in Darfur and the region, commit violations*
2 *of international humanitarian or human rights law*
3 *or other atrocities”, including the Commander of the*
4 *Western Military Region for the armed forces of*
5 *Sudan, the Paramount Chief of the Jabul Tribe in*
6 *North Darfur, the Commander of the Sudan Libera-*
7 *tion Army, and the Field Commander of the National*
8 *Movement for Reform and Development.*

9 (17) *On May 5, 2006, under the auspices of Afri-*
10 *can Union mediation and the direct engagement of*
11 *the international community, including the United*
12 *States, the Government of Sudan and the largest rebel*
13 *faction in Darfur, the Sudan Liberation Movement,*
14 *led by Minni Minnawi, signed the Darfur Peace*
15 *Agreement, which addresses security, power sharing,*
16 *and wealth sharing issues between the parties.*

17 (18) *In August 2006, the Sudanese government*
18 *began to amass military forces and equipment in the*
19 *Darfur region in contravention of the Darfur Peace*
20 *Agreement to which they are signatories in what ap-*
21 *pears to be preliminary to full scale war.*

22 (19) *On August 30, 2006, the United Nations Se-*
23 *curity Council passed Security Council Resolution*
24 *1706 (2006), without dissent and with abstentions by*
25 *China, Russian Federation, and Qatar, thereby as-*

1 serting that the existing United Nations Mission in
 2 Sudan “shall take over from AMIS responsibility for
 3 supporting the implementation of the Darfur Peace
 4 Agreement upon the expiration of AMIS’ mandate but
 5 in any event no later than 31 December 2006”, and
 6 that UNMIS “shall be strengthened by up to 17,300
 7 military personnel . . . 3,300 civilian police personnel
 8 and up to 16 Formed Police Units”, which “shall
 9 begin to be deployed [to Darfur] no later than 1 Octo-
 10 ber 2006”.

11 (20) Between August 30 and September 3, 2006,
 12 President Bashir and other senior members of his ad-
 13 ministration have publicly rejected United Nations
 14 Security Council Resolution 1706 (2006), calling it
 15 illegal and a western invasion of his country, despite
 16 the current presence of 10,000 United Nations peace-
 17 keepers under the UNMIS peacekeeping force.

18 (21) Since 1993, the Secretary of State has de-
 19 termined, pursuant to section 6(j) of the Export Ad-
 20 ministration Act of 1979 (50 App. U.S.C. 2405(j)),
 21 that Sudan is a country, the government of which has
 22 repeatedly provided support for acts of international
 23 terrorism, thereby restricting United States assist-
 24 ance, defense exports and sales, and financial and
 25 other transactions with the Government of Sudan.

1 **SEC. 4. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) the genocide unfolding in the Darfur region*
4 *of Sudan is characterized by acts of terrorism and*
5 *atrocities directed against civilians, including mass*
6 *murder, rape, and sexual violence committed by the*
7 *Janjaweed and associated militias with the com-*
8 *licity and support of the National Congress Party-*
9 *led faction of the Government of Sudan;*

10 *(2) all parties to the conflict in the Darfur re-*
11 *gion have continued to violate the N'Djamena*
12 *Ceasefire Agreement of April 8, 2004, and the Abuja*
13 *Protocols of November 9, 2004, and violence against*
14 *civilians, humanitarian aid workers, and personnel of*
15 *AMIS is increasing;*

16 *(3) the African Union should immediately make*
17 *all necessary preparations for an orderly transition to*
18 *a United Nations peacekeeping operation, which will*
19 *maintain an appropriate level of African participa-*
20 *tion, with a mandate to protect civilians and human-*
21 *itarian operations, assist in the implementation of*
22 *the Darfur Peace Agreement, and deter violence in the*
23 *Darfur region;*

24 *(4) the international community, including the*
25 *United States and the European Union, should im-*
26 *mediately act to mobilize sufficient political, mili-*

1 *tary, and financial resources through the United Na-*
2 *tions and the North Atlantic Treaty Organization, to*
3 *support the transition of AMIS to a United Nations*
4 *peacekeeping operation with the size, strength, and*
5 *capacity necessary to protect civilians and humani-*
6 *tarian operations, to assist with the implementation*
7 *of the Darfur Peace Agreement, and to end the contin-*
8 *ued violence in the Darfur region;*

9 *(5) if an expanded and reinforced AMIS or sub-*
10 *sequent United Nations peacekeeping operation fails*
11 *to stop genocide in the Darfur region, the inter-*
12 *national community should take additional measures*
13 *to prevent and suppress acts of genocide in the Darfur*
14 *region;*

15 *(6) acting under article 5 of the Charter of the*
16 *United Nations, the United Nations Security Council*
17 *should call for suspension of the Government of Su-*
18 *dan's rights and privileges of membership by the Gen-*
19 *eral Assembly until such time as the Government of*
20 *Sudan has honored pledges to cease attacks upon ci-*
21 *vilians, demobilize and demilitarize the Janjaweed*
22 *and associated militias, and grant free and unfettered*
23 *access for deliveries of humanitarian assistance in the*
24 *Darfur region;*

1 (7) *the President should use all necessary and*
2 *appropriate diplomatic means to ensure the full dis-*
3 *charge of the responsibilities of the Committee of the*
4 *United Nations Security Council and the panel of ex-*
5 *erts established pursuant to section 3(a) of Security*
6 *Council Resolution 1591 (2005);*

7 (8) *the President should direct the United States*
8 *Permanent Representative to the United Nations to*
9 *use the voice, vote, and influence of the United States*
10 *to urge the adoption of a resolution by the United Na-*
11 *tions Security Council that—*

12 (A) *extends the military embargo estab-*
13 *lished by United Nations Security Resolutions*
14 *1556 (2004) and 1591 (2005) to include a total*
15 *ban on the sale or supply of offensive military*
16 *equipment to the Government of Sudan, except*
17 *for use in an internationally recognized demobi-*
18 *lization program or for nonlethal assistance nec-*
19 *essary to carry out elements of the Comprehen-*
20 *sive Peace Agreement for Sudan or the Darfur*
21 *Peace Agreement; and*

22 (B) *calls upon those member states of the*
23 *United Nations that continue to undermine ef-*
24 *forts to foster peace in Sudan by providing mili-*
25 *tary assistance to the Government of Sudan, gov-*

1 *ernment supported militias, or any rebel group*
2 *operating in Darfur in violation of the embargo*
3 *on such assistance and equipment, as called for*
4 *in United Nations Security Council Resolutions*
5 *1556 (2004) and 1591 (2005), to immediately*
6 *cease and desist.*

7 *(9) the United States should not provide assist-*
8 *ance to the Government of Sudan, other than assist-*
9 *ance necessary for the implementation of the Com-*
10 *prehensive Peace Agreement for Sudan and the*
11 *Darfur Peace Agreement, the support of the regional*
12 *Government of Southern Sudan, the Transitional*
13 *Darfur Regional Authority, and marginalized areas*
14 *in Northern Sudan (including the Nuba Mountains,*
15 *Southern Blue Nile, Abyei, Eastern Sudan (Beja),*
16 *Darfur, and Nubia), or for humanitarian purposes in*
17 *Sudan, until the Government of Sudan has honored*
18 *pledges to cease attacks upon civilians, demobilize*
19 *and demilitarize the Janjaweed and associated mili-*
20 *tias, grant free and unfettered access for deliveries of*
21 *humanitarian assistance in the Darfur region, and*
22 *allow for the safe and voluntary return of refugees*
23 *and internally displaced persons;*

24 *(10) the President should seek to assist members*
25 *of the Sudanese diaspora in the United States by es-*

1 *tablishing a student loan forgiveness program for*
2 *those individuals who commit to return to Southern*
3 *Sudan for a period of not less than 5 years for the*
4 *purpose of contributing professional skills needed for*
5 *the reconstruction of Southern Sudan;*

6 *(11) the Presidential Special Envoy for Sudan*
7 *should be provided with appropriate resources and a*
8 *clear mandate to—*

9 *(A) provide stewardship of efforts to imple-*
10 *ment the Comprehensive Peace Agreement for*
11 *Sudan and the Darfur Peace Agreement;*

12 *(B) seek ways to bring stability and peace*
13 *to the Darfur region;*

14 *(C) address instability elsewhere in Sudan,*
15 *Chad, and northern Uganda; and*

16 *(D) pursue a truly comprehensive peace*
17 *throughout the region;*

18 *(12) the international community should strong-*
19 *ly condemn attacks against humanitarian workers*
20 *and African Union personnel, and the forcible re-*
21 *cruitment of refugees and internally displaced persons*
22 *from camps in Chad and Sudan, and demand that*
23 *all armed groups in the region, including the forces*
24 *of the Government of Sudan, the Janjaweed, associ-*
25 *ated militias, the Sudan Liberation Movement/Army,*

1 *the Justice and Equality Movement, the National*
2 *Movement for Reform and Development (NMRD), and*
3 *all other armed groups refrain from such activities;*

4 *(13) the United States should fully support the*
5 *Comprehensive Peace Agreement for Sudan and the*
6 *Darfur Peace Agreement and urge rapid implementa-*
7 *tion of their terms;*

8 *(14) the May 5, 2006 signing of the Darfur*
9 *Peace Agreement between the Government of Sudan*
10 *and the Sudan Liberation Movement was a positive*
11 *development in a situation that has seen little polit-*
12 *ical progress in 2 years and should be seized upon by*
13 *all sides to begin the arduous process of post-conflict*
14 *reconstruction, restitution, justice, and reconciliation;*
15 *and*

16 *(15) the new leadership of the Sudan People's*
17 *Liberation Movement (referred to in this paragraph*
18 *as "SPLM") should—*

19 *(A) seek to transform SPLM into an inclu-*
20 *sive, transparent, and democratic body;*

21 *(B) reaffirm the commitment of SPLM to—*

22 *(i) bring peace to Southern Sudan, the*
23 *Darfur region, and Eastern Sudan; and*

1 (ii) eliminate safe haven for regional
 2 rebel movements, such as the Lord's Resist-
 3 ance Army; and
 4 (C) remain united in the face of efforts to
 5 undermine SPLM.

6 **SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

7 (a) *BLOCKING OF ASSETS AND RESTRICTION ON*
 8 *VISAS.*—Section 6 of the *Comprehensive Peace in Sudan*
 9 *Act of 2004* (Public Law 108–497; 50 U.S.C. 1701 note)
 10 *is amended—*

11 (1) *in the heading of subsection (b), by inserting*
 12 “*OF APPROPRIATE SENIOR OFFICIALS OF THE GOV-*
 13 *ERNMENT OF SUDAN*” *after “ASSETS”;*

14 (2) *by redesignating subsections (c) through (e)*
 15 *as subsections (d) through (f), respectively; and*

16 (3) *by inserting after subsection (b) the fol-*
 17 *lowing:*

18 “(c) *BLOCKING OF ASSETS AND RESTRICTION ON*
 19 *VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE*
 20 *PRESIDENT.*—

21 “(1) *BLOCKING OF ASSETS.*—*Beginning on the*
 22 *date that is 30 days after the date of the enactment*
 23 *of the Darfur Peace and Accountability Act of 2006,*
 24 *and in the interest of contributing to peace in Sudan,*
 25 *the President shall, consistent with the authorities*

1 *granted under the International Emergency Economic*
2 *Powers Act (50 U.S.C. 1701 et seq.), block the assets*
3 *of any individual who the President determines is*
4 *complicit in, or responsible for, acts of genocide, war*
5 *crimes, or crimes against humanity in Darfur, in-*
6 *cluding the family members or any associates of such*
7 *individual to whom assets or property of such indi-*
8 *vidual was transferred on or after July 1, 2002.*

9 “(2) *RESTRICTION ON VISAS.*—Beginning on the
10 *date that is 30 days after the date of the enactment*
11 *of the Darfur Peace and Accountability Act of 2006,*
12 *and in the interest of contributing to peace in Sudan,*
13 *the President shall deny a visa and entry to any in-*
14 *dividual who the President determines to be complicit*
15 *in, or responsible for, acts of genocide, war crimes, or*
16 *crimes against humanity in Darfur, including the*
17 *family members or any associates of such individual*
18 *to whom assets or property of such individual was*
19 *transferred on or after July 1, 2002.”.*

20 “(b) *WAIVER.*—Section 6(d) of the Comprehensive Peace
21 *in Sudan Act of 2004, as redesignated by subsection (a),*
22 *is amended by adding at the end the following: “The Presi-*
23 *dent may waive the application of paragraph (1) or (2)*
24 *of subsection (c) with respect to any individual if the Presi-*
25 *dent determines that such a waiver is in the national inter-*

1 *ests of the United States and, before exercising the waiver,*
 2 *notifies the appropriate congressional committees of the*
 3 *name of the individual and the reasons for the waiver.”.*

4 (c) **SANCTIONS AGAINST JANJAWEEED COMMANDERS**
 5 **AND COORDINATORS OR OTHER INDIVIDUALS.**—*It is the*
 6 *sense of Congress, that the President should immediately*
 7 *impose the sanctions described in section 6(c) of the Com-*
 8 *prehensive Peace in Sudan Act of 2004, as added by sub-*
 9 *section (a), against any individual, including the*
 10 *Janjaweed commanders and coordinators, identified as*
 11 *those who, among other acts, “impede the peace process, con-*
 12 *stitute a threat to stability in Darfur and the region, com-*
 13 *mit violations of international humanitarian or human*
 14 *rights law or other atrocities”.*

15 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**
 16 **PRESS GENOCIDE IN DARFUR.**

17 (a) **PRESIDENTIAL ASSISTANCE TO SUPPORT AMIS.**—
 18 *Subject to subsection (b) and notwithstanding any other*
 19 *provision of law, the President is authorized to provide*
 20 *AMIS with—*

21 (1) *assistance for any expansion of the mandate,*
 22 *size, strength, and capacity to protect civilians and*
 23 *humanitarian operations in order to help stabilize the*
 24 *Darfur region of Sudan and dissuade and deter air*

1 *attacks directed against civilians and humanitarian*
 2 *workers; and*

3 *(2) assistance in the areas of logistics, transport,*
 4 *communications, material support, technical assist-*
 5 *ance, training, command and control, aerial surveil-*
 6 *lance, and intelligence.*

7 *(b) CONDITIONS.—*

8 *(1) IN GENERAL.—Assistance provided under*
 9 *subsection (a)—*

10 *(A) shall be used only in the Darfur region;*
 11 *and*

12 *(B) shall not be provided until AMIS has*
 13 *agreed not to transfer title to, or possession of,*
 14 *any such assistance to anyone not an officer, em-*
 15 *ployee or agent of AMIS (or subsequent United*
 16 *Nations peacekeeping operation), and not to use*
 17 *or to permit the use of such assistance for any*
 18 *purposes other than those for which such assist-*
 19 *ance was furnished, unless the consent of the*
 20 *President has first been obtained, and written*
 21 *assurances reflecting all of the forgoing have been*
 22 *obtained from AMIS by the President.*

23 *(2) CONSENT.—If the President consents to the*
 24 *transfer of such assistance to anyone not an officer,*
 25 *employee, or agent of AMIS (or subsequent United*

1 *Nations peacekeeping operation), or agrees to permit*
 2 *the use of such assistance for any purposes other than*
 3 *those for which such assistance was furnished, the*
 4 *President shall immediately notify the Committee on*
 5 *Foreign Relations of the Senate and the Committee on*
 6 *International Relations of the House of Representa-*
 7 *tives in accordance with the procedures applicable to*
 8 *reprogramming notifications under section 634A of*
 9 *the Foreign Assistance Act of 1961 (22 U.S.C. 2394–*
 10 *1).*

11 *(c) NATO ASSISTANCE TO SUPPORT AMIS.—It is the*
 12 *sense of Congress that the President should continue to in-*
 13 *struct the United States Permanent Representative to the*
 14 *North Atlantic Treaty Organization (referred to in this sec-*
 15 *tion as “NATO”) to use the voice, vote, and influence of*
 16 *the United States at NATO to—*

17 *(1) advocate NATO reinforcement of the AMIS*
 18 *and its orderly transition to a United Nations peace-*
 19 *keeping operation, as appropriate;*

20 *(2) provide assets to help dissuade and deter air*
 21 *strikes directed against civilians and humanitarian*
 22 *workers in the Darfur region of Sudan; and*

23 *(3) provide other logistical, transportation, com-*
 24 *munications, training, technical assistance, command*

1 *and control, aerial surveillance, and intelligence sup-*
2 *port.*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this Act, or*
4 *any amendment made by this Act, shall be construed as*
5 *a provision described in section 5(b)(1) or 8(a)(1) of the*
6 *War Powers Resolution (Public Law 93–148; 50 U.S.C.*
7 *1544(b), 1546(a)(1)).*

8 *(e) DENIAL OF ENTRY AT UNITED STATES PORTS TO*
9 *CERTAIN CARGO SHIPS OR OIL TANKERS.—*

10 *(1) IN GENERAL.—The President should take all*
11 *necessary and appropriate steps to deny the Govern-*
12 *ment of Sudan access to oil revenues, including by*
13 *prohibiting entry at United States ports to cargo*
14 *ships or oil tankers engaged in business or trade ac-*
15 *tivities in the oil sector of Sudan or involved in the*
16 *shipment of goods for use by the armed forces of*
17 *Sudan until such time as the Government of Sudan*
18 *has honored its commitments to cease attacks on civil-*
19 *ians, demobilize and demilitarize the Janjaweed and*
20 *associated militias, grant free and unfettered access*
21 *for deliveries of humanitarian assistance, and allow*
22 *for the safe and voluntary return of refugees and in-*
23 *ternally displaced persons.*

1 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
 2 *with respect to cargo ships or oil tankers involved*
 3 *in—*

4 (A) *an internationally-recognized demobili-*
 5 *zation program;*

6 (B) *the shipment of non-lethal assistance*
 7 *necessary to carry out elements of the Com-*
 8 *prehensive Peace Agreement for Sudan or the*
 9 *Darfur Peace Agreement; or*

10 (C) *the shipment of military assistance nec-*
 11 *essary to carry out elements of an agreement re-*
 12 *ferred to in subparagraph (B) if the President*
 13 *has made the determination set forth in section*
 14 *8(c)(2).*

15 (f) *PROHIBITION ON ASSISTANCE TO COUNTRIES IN*
 16 *VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESO-*
 17 *LUTIONS 1556 AND 1591.—*

18 (1) *PROHIBITION.*—*Amounts made available to*
 19 *carry out the Foreign Assistance Act of 1961 (22*
 20 *U.S.C. 2151 et seq.) may not be used to provide as-*
 21 *sistance (other than humanitarian assistance) to the*
 22 *government of a country that is in violation of the*
 23 *embargo on military assistance with respect to Sudan*
 24 *imposed pursuant to United Nations Security Coun-*
 25 *cil Resolutions 1556 (2004) and 1591 (2005).*

1 (2) *WAIVER.*—*The President may waive the ap-*
 2 *plication of paragraph (1) if the President deter-*
 3 *mines, and certifies to the appropriate congressional*
 4 *committees, that such waiver is in the national inter-*
 5 *ests of the United States.*

6 **SEC. 7. CONTINUATION OF RESTRICTIONS.**

7 (a) *IN GENERAL.*—*Restrictions against the Govern-*
 8 *ment of Sudan that were imposed pursuant to Executive*
 9 *Order 13067 of November 3, 1997 (62 Federal Register*
 10 *59989), title III and sections 508, 512, 527, and 569 of*
 11 *the Foreign Operations, Export Financing, and Related*
 12 *Programs Appropriations Act, 2006 (Public Law 109–102),*
 13 *or any other similar provision of law, shall remain in effect,*
 14 *and shall not be lifted pursuant to such provisions of law,*
 15 *until the President certifies to the appropriate congressional*
 16 *committees that the Government of Sudan is acting in good*
 17 *faith to—*

- 18 (1) *implement the Darfur Peace Agreement;*
- 19 (2) *disarm, demobilize, and demilitarize the*
 20 *Janjaweed and all militias allied with the Govern-*
 21 *ment of Sudan;*
- 22 (3) *adhere to all associated United Nations Secu-*
 23 *rity Council Resolutions, including Security Council*
 24 *Resolutions 1556 (2004), 1564 (2004), 1591 (2005),*

1 1593 (2005), 1663 (2006), 1665 (2006), and 1706
2 (2006);

3 (4) *negotiate a peaceful resolution to the crisis in*
4 *eastern Sudan;*

5 (5) *fully cooperate with efforts to disarm, de-*
6 *mobilize, and deny safe haven to members of the*
7 *Lord's Resistance Army in Sudan; and*

8 (6) *fully implement the Comprehensive Peace*
9 *Agreement for Sudan without manipulation or delay,*
10 *by—*

11 (A) *implementing the recommendations of*
12 *the Abyei Boundaries Commission Report;*

13 (B) *establishing other appropriate commis-*
14 *sions and implementing and adhering to the rec-*
15 *ommendations of such commissions consistent*
16 *with the terms of the Comprehensive Peace*
17 *Agreement for Sudan;*

18 (C) *adhering to the terms of the Wealth*
19 *Sharing Agreement; and*

20 (D) *withdrawing government forces from*
21 *Southern Sudan consistent with the terms of the*
22 *Comprehensive Peace Agreement for Sudan.*

23 (b) *WAIVER.—The President may waive the applica-*
24 *tion of subsection (a) if the President determines, and cer-*

1 *tifies to the appropriate congressional committees, that such*
 2 *waiver is in the national interests of the United States.*

3 **SEC. 8. ASSISTANCE EFFORTS IN SUDAN.**

4 (a) *ASSISTANCE FOR INTERNATIONAL MALARIA CON-*
 5 *TROL ACT.*—Section 501 of the Assistance for International
 6 Malaria Control Act (Public Law 106–570; 50 U.S.C. 1701
 7 note) is repealed.

8 (b) *COMPREHENSIVE PEACE IN SUDAN ACT.*—Section
 9 7 of the Comprehensive Peace in Sudan Act of 2004 (Public
 10 Law 108–497; 50 U.S.C. 1701 note) is repealed.

11 (c) *ECONOMIC ASSISTANCE.*—

12 (1) *IN GENERAL.*—Notwithstanding any other
 13 provision of law, the President is authorized to pro-
 14 vide economic assistance for Southern Sudan, South-
 15 ern Kordofan/Nuba Mountains State, Blue Nile State,
 16 Abyei, Darfur, and marginalized areas in and
 17 around Khartoum, in an effort to provide emergency
 18 relief, to promote economic self-sufficiency, to build
 19 civil authority, to provide education, to enhance rule
 20 of law and the development of judicial and legal
 21 frameworks, to support people to people reconciliation
 22 efforts, and to implement any nonmilitary program
 23 in support of any viable peace agreement in Sudan,
 24 including the Comprehensive Peace Agreement for
 25 Sudan and the Darfur Peace Agreement.

1 (2) *CONGRESSIONAL NOTIFICATION.*—*Assistance*
 2 *may not be obligated under this subsection until 15*
 3 *days after the date on which the Secretary of State*
 4 *notifies the congressional committees specified in sec-*
 5 *tion 634A of the Foreign Assistance Act of 1961 (22*
 6 *U.S.C. 2394–1) of such obligation in accordance with*
 7 *the procedures applicable to reprogramming notifica-*
 8 *tions under such section.*

9 (d) *AUTHORIZED MILITARY ASSISTANCE.*—

10 (1) *IN GENERAL.*—*If the President has not made*
 11 *a certification under section 12(a)(3) of the Sudan*
 12 *Peace Act (50 U.S.C. 1701 note) regarding the non-*
 13 *compliance of the SPLM/A or the Government of*
 14 *Southern Sudan with the Comprehensive Peace Agree-*
 15 *ment for Sudan, the President, notwithstanding any*
 16 *other provision of law, may authorize, for each of fis-*
 17 *cal years 2006, 2007, and 2008, the provision of the*
 18 *following assistance to the Government of Southern*
 19 *Sudan for the purpose of constituting a professional*
 20 *military force—*

21 (A) *non-lethal military equipment and re-*
 22 *lated defense services, including training, con-*
 23 *trolled under the International Traffic in Arms*
 24 *Regulations (22 C.F.R. 120.1 et seq.) if the*
 25 *President—*

1 (i) determines that the provision of
 2 such items is in the national security inter-
 3 est of the United States; and

4 (ii) not later than 15 days before the
 5 provision of any such items, notifies the
 6 Committee on Foreign Relations of the Sen-
 7 ate and the Committee on International Re-
 8 lations of the House of Representatives of
 9 such determination; and

10 (B) small arms and ammunition under cat-
 11 egories I and III of the United States Munitions
 12 List (22 C.F.R. 121.1 et seq.) if the President—

13 (i) determines that the provision of
 14 such equipment is essential to the national
 15 security interests of the United States; and

16 (ii) consistent with the procedures set
 17 forth in section 614(a)(3) of the Foreign As-
 18 sistance Act of 1961 (22 U.S.C. 2364(a)(3)),
 19 notifies the Committee on Foreign Relations
 20 of the Senate and the Committee on Inter-
 21 national Relations of the House of Rep-
 22 resentatives of such determination.

23 (2) *END USE ASSURANCES.*—For each item ex-
 24 ported pursuant to this subsection or subsection (c),
 25 the President shall include with the notification to

1 Congress under subparagraphs (A)(ii) and (B)(ii) of
2 paragraph (1)—

3 (A) an identification of the end users to
4 which the provision of assistance is being made;

5 (B) the dollar value of the items being pro-
6 vided;

7 (C) a description of the items being pro-
8 vided; and

9 (D) a description of the end use verification
10 procedures that will be applied to such items,
11 including—

12 (i) any special assurances obtained
13 from the Government of Southern Sudan or
14 other authorized end users regarding such
15 equipment; and

16 (ii) the end use or retransfer controls
17 that will be applied to any items provided
18 under this subsection.

19 (3) WAIVER AUTHORITY.—Section 40 of the
20 Arms Export Control Act (22 U.S.C. 2780) shall not
21 apply to assistance provided under paragraph (1).

22 (e) EXCEPTION TO PROHIBITIONS IN EXECUTIVE
23 ORDER NUMBER 13067.—Notwithstanding any other pro-
24 vision of law, the prohibitions set forth with respect to
25 Sudan in Executive Order No. 13067 (62 Fed. Reg. 59989)

1 *shall not apply to activities or related transactions with*
 2 *respect to Southern Sudan, Southern Kordofan/Nuba Moun-*
 3 *tains State, Blue Nile State, Abyei, Darfur, or marginalized*
 4 *areas in and around Khartoum.*

5 **SEC. 9. REPORTING REQUIREMENTS.**

6 *Section 8 of the Sudan Peace Act (Public Law 107–*
 7 *245; 50 U.S.C. 1701 note) is amended—*

8 *(1) by redesignating subsection (c) as subsection*
 9 *(g); and*

10 *(2) by inserting after subsection (b) the fol-*
 11 *lowing:*

12 *“(c) REPORT ON AFRICAN UNION MISSION IN*
 13 *SUDAN.—Until such time as AMIS concludes its mission*
 14 *in Darfur, in conjunction with the other reports required*
 15 *under this section, the Secretary of State, in consultation*
 16 *with all relevant Federal departments and agencies, shall*
 17 *prepare and submit a report, to the appropriate congres-*
 18 *sional committees, regarding—*

19 *“(1) a detailed description of all United States*
 20 *assistance provided to the African Union Mission in*
 21 *Sudan (referred to in this subsection as ‘AMIS’) since*
 22 *the establishment of AMIS, reported by fiscal year*
 23 *and the type and purpose of such assistance; and*

24 *“(2) the level of other international assistance*
 25 *provided to AMIS, including assistance from coun-*

1 tries, regional and international organizations, such
 2 as the North Atlantic Treaty Organization, the Euro-
 3 pean Union, the Arab League, and the United Na-
 4 tions, reported by fiscal year and the type and pur-
 5 pose of such assistance, to the extent possible.

6 “(d) *REPORT ON SANCTIONS IN SUPPORT OF PEACE*
 7 *IN DARFUR.*—In conjunction with the other reports re-
 8 quired under this section, the Secretary of State shall sub-
 9 mit a report to the appropriate congressional committees
 10 regarding sanctions imposed under section 6 of the Com-
 11 prehensive Peace in Sudan Act of 2004, including—

12 “(1) a description of each sanction imposed
 13 under such provision of law;

14 “(2) the name of the individual or entity subject
 15 to the sanction, if applicable; and

16 “(3) whether or not such individual has been
 17 identified by the United Nations panel of experts.

18 “(e) *REPORT ON UNITED STATES MILITARY ASSIST-*
 19 *ANCE.*—In conjunction with the other reports required
 20 under this section, the Secretary of State shall submit a
 21 report to the appropriate congressional committees describ-
 22 ing the effectiveness of any assistance provided under sec-
 23 tion 8 of the Darfur Peace and Accountability Act of 2006,
 24 including—

1 “(1) a detailed annex on any military assistance
2 provided in the period covered by this report;

3 “(2) the results of any review or other moni-
4 toring conducted by the Federal Government with re-
5 spect to assistance provided under that Act; and

6 “(3) any unauthorized retransfer or use of mili-
7 tary assistance furnished by the United States.”.

Attest:

Secretary.

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AMENDMENT